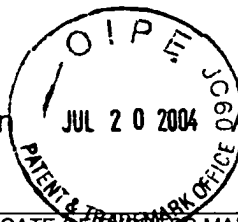


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Appln. No.: 09/819,063  
Notice of Related Australian Litigation



PATENT  
Customer No. 22,852  
Attorney Docket No. 7451.0007-02  
InterTrust Ref. No.: IT-11.2 (US)

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2004. Express Mail Label No.: EV 527339462 US

Signed: \_\_\_\_\_

Mary A. McCauley

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )

Edwin J. Hall, et al. )

Application No.: 09/819,063 )

Filed: September 26, 2000 )

For: TECHNIQUES FOR DEFINING, )  
USING AND MANIPULATING )  
RIGHTS MANAGEMENT DATA )  
STRUCTURES )

Group Art Unit: 2171

Examiner: Wayne P. Amsbury

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**NOTICE REGARDING RELATED AUSTRALIAN LITIGATION**

Applicants hereby notify the U.S. Patent and Trademark Office that one of the patents assigned to InterTrust Technologies Corporation ("InterTrust") was involved in a Federal Court proceeding in Australia. The present application, Serial No. 09/819,063, is a continuation of U.S. Application Serial No. 09/300,778, issued as U.S. Patent No. 6,138,119, which is a continuation of U.S. Application Serial No. 08/805,804, issued as U.S. Patent No. 5,920,861, which corresponds to Australian patent No. 728,776 (the "Patent").

### **STATUS OF RELATED LITIGATION**

The status of the proceeding is as follows. On November 27, 2002 Microsoft Corporation and Microsoft Pty Ltd (collectively referred to herein as "Microsoft") filed Federal Court proceedings N 1260/02 against InterTrust seeking revocation of Australian Patent No. 728776 (attached hereto as Exhibit A). The initial request for revocation consisted of the Application (attached hereto as Exhibit B), the Statement of Claim (attached hereto as Exhibit C) and the Particulars of Invalidity (Exhibit D).

On December 24, 2003 Microsoft filed an Amended Particulars of Invalidity (attached hereto as Exhibit E) and in response InterTrust served a formal request for Further and Better Particulars of the Amended Particulars of Invalidity Dated March 11, 2004 (attached hereto as Exhibit F). Microsoft then proposed a Second Amended Particulars of Invalidity dated March 16, 2004 (attached hereto as Exhibit G). On March 26, 2004 InterTrust filed a notice of Motion requesting the Court to order Microsoft to Further and Better Particulars (attached hereto as Exhibit H) as well as Anthony Muratore's affidavit in support of the Motion dated March 26, 2004 (attached hereto as Exhibit I). In response to this Motion Microsoft's counsel, John Swinson, filed an affidavit in opposition to InterTrust's motion dated March 31, 2004 (Exhibit J).

In support of Microsoft's case for invalidity, Microsoft filed various affidavits "evidence in chief" including: (1) the affidavit of Michael Hitchens filed December 3, 2003 (attached hereto as Exhibit K); (2) the affidavit of John Swinson filed December 8, 2003 (attached hereto as Exhibit L); (3) the affidavit of Paul King filed December 8, 2003 (attached hereto as Exhibit M); and (4) a Second Affidavit of Michael Hitchens filed March 12, 2004 (attached hereto as Exhibit N). Potentially relevant documents from these affidavits are being submitted via Information Disclosure Statement being filed concurrently herewith.

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On May 20, 2004 the case was dismissed by the Short Minutes Order (attached hereto as Exhibit O).

### REMARKS


Applicants submit this Notice of Related Litigation in fulfillment of their duty to disclose information potentially material to patentability under 37 C.F.R. 1.56. Applicants encourage the Examiner to carefully review the attached documents and let the Applicants know if any additional information is needed.

With this notice, Applicants have provided copies of the papers described in the Status of Related Litigation. Applicants have gone through the large volume of documents to determine which references used by Microsoft in the Australian proceeding have not been cited in the pending application. References that have not already been cited in an Information Disclosure Statement ("IDS") are listed in an Information Disclosure Statement filed contemporaneously with this Notice.

If there are any fees due with the filing of this Notice not already accounted for, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 20, 2004

By:   
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Reg. No. 38,611

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